

IN RE: PETITION FOR SPECIAL HEARING
E/S Raphael Road, 275' N of
Mt. Wilson Lane
(Mount Vista Greens)
11th Election District
5th Councilmanic District
James F. Stadler, et al
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-37-SPH

ORDER

This matter comes before the Deputy Zoning Commissioner as a Motion for Reconsideration in which the Petitioners, by and through their attorney, Howard L. Alderman, Jr., Esquire, requested a modification of my Order issued November 5, 1991. Specifically, the Petitioners requested that I reconsider my denial of outdoor lighting on the golf course driving range. A hearing was held concerning same on February 18, 1992. The remaining terms and conditions of the Order issued November 5, 1991 were not at issue pursuant to this Motion and remain in full force and effect.

At the hearing held on February 18, 1992, Howard L. Alderman, Jr., Esquire, appeared and argued on behalf of the Petitioners. As was the case with the previous hearing, various neighbors from the local community appeared in opposition to the Petitioners' motion. In addition, written responses in opposition to the Petitioners' motion were filed by Kevin Lindsey, Leroy Sparr and Dorothy Foos on behalf of the Greater Kingsville Civic Association.

This motion to revise calls into question Section 406.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) It becomes necessary to interpret that Section as well as to apply the factual testimony presented

at the hearing to that Section. More specifically at issue is the meaning of the term "glaring reflection". Since that term is not specifically defined by the B.C.Z.R., it therefore becomes necessary to consult Webster's Third International Collegiate Dictionary for guidance. When looking at Webster's dictionary, the term "glaring" is defined as follows: "shining with, or reflecting a harsh uncomfortably bright light; blindingly bright; showily brilliant; painfully obvious; too apparent not to be noticed; unavoidably noticeable; inescapably evident." Again, referring to Webster's dictionary, the term "reflection" is defined as follows: "The partial or complete return of a wave motion; the action of bending or folding back." After reviewing these definitions, it becomes necessary to consider the factual testimony of Mr. Pyecha, the Petitioners' lighting expert, to determine whether "glaring reflection" of light will exist as a result of the installation of the proposed lights on the golf course driving range.

Mr. Pyecha gave a lengthy discourse on the issue of lighting. At the hearing held on October 4, 1991, when he was specifically asked on direct examination by Mr. Alderman whether there will be any direct or glaring reflection of light into adjoining premises, Mr. Pyecha answered "No". However, later in his testimony, Mr. Pyecha contradicted himself. Mr. Pyecha went into an elaborate discussion of a glow factor or a glow of light. Mr. Pyecha agreed that light can be reflected by water vapor or water molecules in the atmosphere; for example, a fog or a mist in the air will cause light to be reflected. He also stated that leaves on trees can reflect light. I asked Mr. Pyecha whether there will be some type of glow that will be reflected off the course itself. He responded affirmatively and stated that there was illumination in this room, (referring to the

hearing room), and that there was a glow of light. He went on further to say that people want him to testify, (those who are in objection), and say whether you can light this driving range and not see anything? He responded that it could not be done, that it was impossible to do. He went on further to say that he has been in the lighting business for 25 years and there is no way of calculating the glow that is given off by lighting systems of this nature. Mr. Pyecha went on further to state that there is no light source known to man where you say you want light but you cannot see the light. He stated "If you want an area like this room lit, (again, referring to the hearing room) and we do need this lighted room in order to function this morning, but you don't want to see the illumination, it's impossible. There is no light source made to man where you can do that."

Given the contradictions in Mr. Pyecha's testimony, I am not satisfied that the Petitioners have met their burden of showing that there will be no glaring reflection of light into adjoining premises. Therefore, I have no alternative but to deny the Petitioners' Motion for Reconsideration and will so Order.

After due consideration of the arguments presented by both the Petitioners and the Protestants at the hearing on this Motion, and a full review of the testimony and evidence presented at the prior hearing, the relief requested in the Petitioners' Motion for Reconsideration shall be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of May, 1992 that the Motion for Reconsideration filed in the above-captioned matter be and the same is hereby DENIED; and,

IT IS FURTHER ORDERED that any appeal of this decision shall be taken within thirty (30) days of the date of this Order.

Timothy M. Kuroko
TIMOTHY M. KUROKO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue, Suite 113, Towson, Md. 21204

Mr. & Mrs. Leroy W. Sparr
11010 Raphael Road, Kingsville, Md. 21087

Mr. Doug Behr
7451 Bradshaw Road, Kingsville, Md. 21087

Ms. Dorothy E. Foos
6403 Lewis Road, Kingsville, Md. 21087

Mr. Kevin Lindsey
11022 Raphael Road, Kingsville, Md. 21087

People's Counsel

File

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IN RE: PETITION FOR SPECIAL HEARING
E/S Raphael Road, 275' N of
Mt. Wilson Lane
(Mount Vista Greens)
11th Election District
5th Councilmanic District
James F. Stadler, et al
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-37-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve an amendment to the restrictions on the relief granted in prior Case Nos. 89-190-X and 92-109-SPH to permit a lighted driving range, change the hours of operation to from 6:00 AM to 10:00 PM and to require that the entrance to the subject property be secured by 10:30 PM, to permit the operation of the golf course and/or driving range to run from March 1 through December 31 of each year, and a finding that Restriction No. 5 in Case No. 91-209-SPH applies only to the relief granted in Restriction No. 4 thereof, all as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by James F. Stadler, appeared, testified and were represented by Howard L. Alderman, Jr., Esquire. Also appearing on behalf of as well as in opposition to the Petitioners' request were various members of the surrounding community.

Testimony indicated that the subject property, known as Mount Vista Greens, consists of 102 acres zoned R.C. 5 and is located off Raphael Road at Mount Vista Road. Said property was the subject of prior Case No. 89-190-X in which a special exception for a golf course was granted, and Case No. 91-209-SPH in which the Petitioners were granted an extension of time in which to utilize the special exception previously approved. Re-

strictions were imposed in both cases and in the instant case, Petitioners seek specific relief from those restrictions.

The main issue to be decided and the majority of the testimony presented was directed towards the addition of lights to the already existing driving range. James Stadler testified, and the prior opinions from this office corroborated, that the Petitioners were not in a position to install lighting on the driving range at the time the previous hearings took place. At that time, the Petitioners were not sure of the type of lighting they would use and therefore, did not include it in their request. Mr. Stadler testified that he has met with community members and Councilman Vincent Gardina concerning the addition of lights on the subject driving range. Mr. Stadler testified that he has considered the concerns raised by the community and as a result, proposes to use fewer lights and shorter poles and to include visors on the lighting instruments. He further testified that since the days grow shorter in the fall, he loses a significant amount of business in evening hours due to the fact that darkness sets in and the driving range must close. Mr. Stadler indicated that the lights would improve business and provide a better service to his patrons. In support of his testimony, Mr. Stadler submitted into evidence a multitude of affidavits and petitions signed by numerous members of the community in support of the lighted driving range.

Probably the most important testimony was provided by Leonard Pyecha. Mr. Pyecha was hired by Petitioners as a lighting consultant and he testified concerning the type of lighting they proposed using at this driving range. He testified as to the specific height of the light standards and the number of light fixtures that would be contained on each standard, and the wattage that would be involved. Mr. Pyecha testified

that in his opinion, the addition of the lights would satisfy the requirements of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and would have no adverse effect on the surrounding community. More importantly, he testified that these lighting installations would be arranged so as not to increase traffic hazards or cause direct or glaring reflection into adjoining residential uses, thereby satisfying the requirements of Section 406.1 of the B.C.Z.R.

Ms. Jean Wade appeared and testified as the secretary of the Kingsville Recreation Council. Ms. Wade testified that the Kingsville Recreation Council is in support of these lights in that the use proposed provides an important activity for members of the community, including the young people. She testified that the Petitioners offer golfing classes to many of the youngsters in the surrounding Kingsville community. Additional testimony in favor of Petitioners' request was presented by Joseph Larson with Spellman, Larson and Associates, Inc., Edward "Doc" Sears, Ray Fogler and Norman Bacovsky.

Appearing and testifying in opposition to Petitioners' request was Charlotte Pine. Ms. Pine testified that the community supported the Petitioners' prior special exception request for a golf course on condition that there would be no lighting associated with the driving range. This is evidenced by a petition which was entered into evidence in Case No. 89-190-X as Protestant's Exhibit 1.

Leroy Sparr appeared and testified in opposition to Petitioners' request. Mr. Sparr testified that he is in favor of the concept of the golf course; however, he does not know what effect the lighting will have on the immediately adjacent homes. Because of not knowing the effects of the proposed lighting, he testified against the Petitioners' request.

Doug Behr appeared and testified in opposition to the Petitioners' request. Mr. Behr indicated he is concerned about the additional traffic at night and the nighttime lighting of the driving range.

Dorothy Foos, President of the Greater Kingsville Civic Association, appeared and testified on behalf of that Association. Ms. Foos testified that since the inception of this project, they were assured by the Petitioners that the subject property would be used as a day-time golf course only. She believes the Petitioners are going back on prior agreements by requesting permission to add lighting to the course and added that the Civic Association is in complete opposition to any lights on the driving range.

Also testifying in opposition to the Petitioners' request was Kevin Lindsey. Mr. Lindsey stated that the community was not opposed to the original granting of the golf course, based upon the fact that no lighting was to be placed on the driving range.

The members of the community who appeared as Protestants in the matter also voiced their general opposition to the remaining requested relief in the Petition for Special Hearing regarding an extension of the hours of operation per day and the months of operation each year.

The Petitioners requested that I make a finding that Restriction No. 5 in Case No. 91-209-SPH applies only to the relief granted in Restriction No. 4 thereof. After a careful review of the Order issued in that case, I agree that Restriction No. 5 does in fact only apply to Restriction No. 4. Therefore, the Petitioners' request in this respect shall be granted.

The Petitioners also request, pursuant to the Petition for Special Hearing, permission to extend the operation of the golf course and/or

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Driving range from March 1st to December 31st of each year. This request was amended by the Petitioner at the close of the hearing to shorten that length of time to from March 15th to November 30th of each given year.

The prior order issued in Case No. 91-209-SPH by the then Deputy Zoning Commissioner, Ann M. Nastarowicz, specifically limited the operation of the golf course and ancillary uses to between April 1st and October 31st of any given year (see Restriction No. 8 thereof). In the opinion of this Deputy Zoning Commissioner, the requested extension of these activities for this amount of time will have no adverse impact on the surrounding community. This Deputy Zoning Commissioner recognizes that the sport of golf correlates with the weather conditions during that particular time of year. The Petitioners' request for an extension of time during these months is not unreasonable in that the temperatures for this locality permit golfing during the additional months requested. Therefore, the Petitioners' request for this extension shall be granted.

The balance of Petitioners' request deals with the proposed addition of lights on the driving range and the hours of operation for said driving range. In Case No. 90-209-SPH, Restriction Nos. 6 and 7 specifically limited lighting for the driving range to the hours of 6:00 AM to 9:00 PM unless a subsequent special hearing modified same. The Petitioners are proposing an additional hour of time each day for the operation of the driving range, and also to add lighting to the driving range. At the close of the hearing, the Petitioner amended his Petition by stating that no lights would be operated on Sundays.

The main issue to be decided is whether to permit the addition of lighting on the driving range. In addition to satisfying the requirements of Section 502.1 of the B.C.Z.R., the Petitioners have the burden of adduc-

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ing testimony and evidence which would fulfill the requirements of Section 406.1 of the B.C.Z.R. That section deals with the addition of lighting installations on driving ranges and requires that all lighting installations shall be so arranged as not to increase traffic hazards or to cause direct or glaring reflection into adjoining premises.

After due consideration of the testimony and evidence presented by Petitioners through their expert lighting consultant this Deputy Zoning Commissioner is satisfied that no direct lighting would be reflected into adjoining premises. However, in addition to satisfying the effects of direct lighting, the Petitioners have the burden of also proving that there shall be no "glaring reflection" into adjoining premises.

It is the opinion of this Deputy Zoning Commissioner that the Petitioners have failed to establish that no glaring reflection would be directed into adjoining premises. The glaring reflection of light is a difficult concept with which to deal. It is the Petitioners' burden to satisfy this Deputy Zoning Commissioner that the proposed lighting would not affect adjoining residences. The only way that I can conceive that this could be proven would be to perform a lighting test on the driving range. This would entail bringing in temporary lights consistent with the type of lighting proposed, positioning them at the proposed locations, turning them on and seeing the effects that the lighting might have on the surrounding community. This could also go a long way in alleviating the fears of the neighbors in that many of them testified at the hearing that they have no way of knowing what effect the proposed lighting will have on their community unless and until the actual lighting is installed. In any event, no test was performed and I find that the Petitioners have failed to satisfy the requirements of Section 406.1 of the B.C.Z.R. as to the

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issue of "glaring reflection". Therefore, the Petitioners' request for additional lighting on the driving range shall be denied.

Further, the Petitioners' request to extend the hours of operation for the driving range until 10:00 PM at night shall also be denied. Given the fact that the proposed lighting has been denied, it becomes unnecessary to extend the hours of operation of the driving range to 10:00 PM due to the lack of natural lighting at that time.

It should be noted that the Deputy Director of the Office of Planning submitted comments which indicated that until such time as the Rural Protection Development Standards are established it would be premature to permit the lighting of the driving range at this site, particularly in light of the community opposition. These comments, while not the deciding factor, did have a bearing on whether or not to grant this request.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, it appears the relief requested in the special hearing should be granted in part and denied in part.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of November, 1991 that the Petition for Special Hearing to approve an amendment to the restrictions on the relief granted in prior Case Nos. 89-190-X and 91-209-SPH to permit the operation of the golf course and/or driving range to run from March 15th through November 30th of each year, and a finding that Restriction No. 5 in Case No. 91-209-SPH applies only to the relief granted in Restriction No. 4 thereof, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to amend the restrictions on the relief granted in prior Case Nos. 89-190-X

and 91-209-SPH to permit a lighted driving range, to change the hours of operation to from 6:00 AM to 10:00 PM and to require that the entrance to the subject property be secured by 10:30 PM, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that all other terms and conditions set forth in Case Nos. 91-209-SPH and 89-190-X not affected by this decision shall remain in full force and effect.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

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PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 92-37-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment to the restrictions on the relief granted in Case Nos. 89-190-X and 91-209-SPH to permit a lighted driving range; operating hours of 6:00 a.m. to 10:00 p.m., and to require that the entrance be secured by 10:30 p.m.; to permit operation of the golf course and/or driving range from March 1 through December 31 of each year; and a finding that, as to Case No. 91-209-SPH, restriction No. 5 applies only to the relief granted in Restriction No. 4.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney for Petitioner: _____
Howard L. Alderman, Jr., Esquire
(Type or Print Name)
Signature _____
Suite 113, 305 W. Chesapeake Ave.,
Address
Townson, MD 21204
City and State
Attorney's Telephone No.: 321-0600

Legal Owner(s): _____
JAMES STADLER
(Type or Print Name)
Signature _____
PAUL STADLER
(Type or Print Name)
Signature _____
11118 Reynolds Road, 592-5467
Address
Bradshaw, MD 21021
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
305 West Chesapeake Avenue
Suite 113
Townson, Maryland 21204 (301) 321-0600

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock _____ M.

Zoning Commissioner of Baltimore County

S.C.O.-No. 1

(over)

ORDER RECEIVED FOR FILING

Date 11/5/91

By 48p



SPELTMAN, LARSON
& ASSOCIATES, INC.

SUITE 109 - JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL 823-3535
FAX 825-5215

92-37-SPH

DESCRIPTION FOR A ZONING SPECIAL HEARING - STADLER PROPERTY RAPHAEL ROAD, 11TH DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the East side of Raphael Road at the distance of 275 feet, more or less, Northerly along the East side of Raphael Road from the centerline of Mt. Vista Road and running thence at right angles to Raphael Road North 85 Degrees 39 Minutes 34 Seconds West 3603.19 feet thence South 02 Degrees 59 Minutes 03 Seconds East 1236.74 feet South 88 Degrees 04 Minutes 03 Seconds West 492.73 feet South 02 Degrees 41 Minutes 59 Seconds East 431.64 feet South 02 Degrees 59 Minutes 55 Seconds East 73.39 feet and South 85 Degrees 45 Minutes 53 Seconds West 2235.95 feet to the East side of Raphael Road herein referred to and running thence and binding on the East side of Raphael Road North 24 Degrees 26 Minutes 05 Seconds West 92.44 feet Northwesterly by a curve to the right with a radius of 490.00 feet the distance of 246.13 feet (the cord of the arc bears North 10 Degrees 02 Minutes 11 Seconds West 243.55 feet) and North 04 Degrees 30 Minutes 43 Seconds East 1615.92 feet to the place of beginning.

Containing 110 acres of land, more or less.

07/25/91

RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

November 5, 1991

Howard L. Alderman, Jr., Esquire
Levin & Gann
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204
RE: PETITION FOR SPECIAL HEARING
E/S Raphael Road, 275' N of Mt. Wilson Lane
(Mount Vista Greens)
11th Election District - 5th Councilmanic District
James Stadler, et al - Petitioners
Case No. 92-37-SPH

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in part and denied in part in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Leroy W. Sparr
11010 Raphael Road, Kingsville, Md. 21087

Mr. Doug Behr
7451 Bradshaw Road, Kingsville, Md. 21087

Ms. Dorothy E. Foos
6403 Lewis Road, Kingsville, Md. 21087

Mr. Kevin Lindsey
11022 Raphael Road, Kingsville, Md. 21087

People's Counsel; File

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Joseph Deusak	7612 Mt Vista Rd
Wayne Hussung	11116 Raphael Rd
John Lindsey	11022 Raphael Rd
Sparr, Leroy W.	11010 Raphael Rd
James Stadler	11010 Raphael Rd
John Sparr	7613 Mt Vista Rd
John Sparr	7451 Bradshaw Rd
John Sparr	12442 Bradshaw Rd
John Sparr	6403 Lewis Road
John Sparr	Bradshaw Road

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Joseph Deusak	16420 Mt Vista Rd
Wayne Hussung	11116 Raphael Rd
John Lindsey	11022 Raphael Rd
Sparr, Leroy W.	11010 Raphael Rd
James Stadler	11010 Raphael Rd
John Sparr	7613 Mt Vista Rd
John Sparr	7451 Bradshaw Rd
John Sparr	12442 Bradshaw Rd
John Sparr	6403 Lewis Road
John Sparr	Bradshaw Road

MT. VISTA GREENS

If you support our pending Petition to provide light for after dark driving, please sign below:

PETITIONER'S EXHIBIT 2

SIGNATURE	ADDRESS
1. <i>[Signature]</i>	814 Pomeroy Place Baltimore MD 21221
2. <i>[Signature]</i>	Baltimore
3. <i>[Signature]</i>	10 Ambler Ct. Balt. Md. 21236
4. <i>[Signature]</i>	15 S. VICTORIA " " 21236
5. <i>[Signature]</i>	2300 Waltham Road Parkville MD 21220
6. <i>[Signature]</i>	609 West Lane Essex 21221
7. <i>[Signature]</i>	613 West Lane Essex 21221
8. <i>[Signature]</i>	11 Thelma Wood Ct. Baltimore MD 21213
9. <i>[Signature]</i>	9232 RIMBLEWOOD RD 21236
10. <i>[Signature]</i>	100 Chatham Rd. Baltimore Md. 21214
11. <i>[Signature]</i>	11937 Cedar Xc. Kensington 21087
12. <i>[Signature]</i>	5515 LITTLE ROCK WASHINGTON DC 20012
13. <i>[Signature]</i>	2605 Crumpley Ave. Joppa Md. 21085
14. <i>[Signature]</i>	7305 Oakmont Rd. Fullerton Md. 21047
15. <i>[Signature]</i>	11007 Old Landing Rd MD 21087
16. <i>[Signature]</i>	2019 Carroll Rd MD 21061
17. <i>[Signature]</i>	2115 EURE DR. KIDDERVILLE 21087
18. <i>[Signature]</i>	4116 SOUTHWIND DR 21236
19. <i>[Signature]</i>	9 Haystack Ct #103 21236
20. <i>[Signature]</i>	12509 Peninsula Ct. Limerick Md. 21092
21. <i>[Signature]</i>	1120 Republic Pl. Baltimore MD 21031
22. <i>[Signature]</i>	4400 Reynolds Rd. Pikesville Md. 21093
23. <i>[Signature]</i>	3125 Hawthorne
24. <i>[Signature]</i>	4010 St. Monica DR. BETHESDA MD. 21222
25. <i>[Signature]</i>	43 Chapel Valley Baltimore MD 21221
26. <i>[Signature]</i>	15 Beecher Oak St. Balt. Md. 21230
27. <i>[Signature]</i>	17 Greenleaf Ct. Upper Falls Md. 21156
28. <i>[Signature]</i>	11704 Terrace Rd. Upper Falls MD 21156
29. <i>[Signature]</i>	2138 BURELL DRIVE FAULTON MD
30. <i>[Signature]</i>	3735 RED GROVE RD. 21220
31. <i>[Signature]</i>	" " " BALTO MD. 21220
32. <i>[Signature]</i>	610 Dewberry Ct. Bal. Md. 21014
33. <i>[Signature]</i>	6522 Mt. Vista Rd. 21087

1

IN THE MATTER OF MESSRS. STADLER BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY CASE #92-37-SPH

Affidavit in Support of Petitioner's Request
for Lighted Driving Range and Related Relief

I, Linda Huber, state as follows:

1. I am over 18 years of age, under no legal disability, and am competent to testify as to the matters and facts set forth herein.

2. I have resided at 11132 Paphos Rd. Upper Falls, Maryland since 1990.

3. I am familiar with the property currently owned by James and Paul Stadler.

4. The Property is currently improved with an unlighted driving range and I understand that the plans for an 18 hole golf course are in the final review stages by Baltimore County.

5. I understand that the Stadlers have requested a modification of their previous zoning approvals to permit the driving range to be lighted and an extension of hours and days of operation, with no effect on security/parking lighting previously approved.

6. I live approximately 500 feet from the Property and I support the proposed lights and other relief requested.

7. I have executed this Affidavit because I am unable to attend the hearing on this request, as rescheduled, on October 4, 1991.

I solemnly swear/affirm under the penalties of perjury that the foregoing matters and facts are true to the best of my knowledge, information and belief.

Printed/Typed Name: Linda Huber

(SIC: WORD FILES/STADLER.AFF/September 25, 1991)

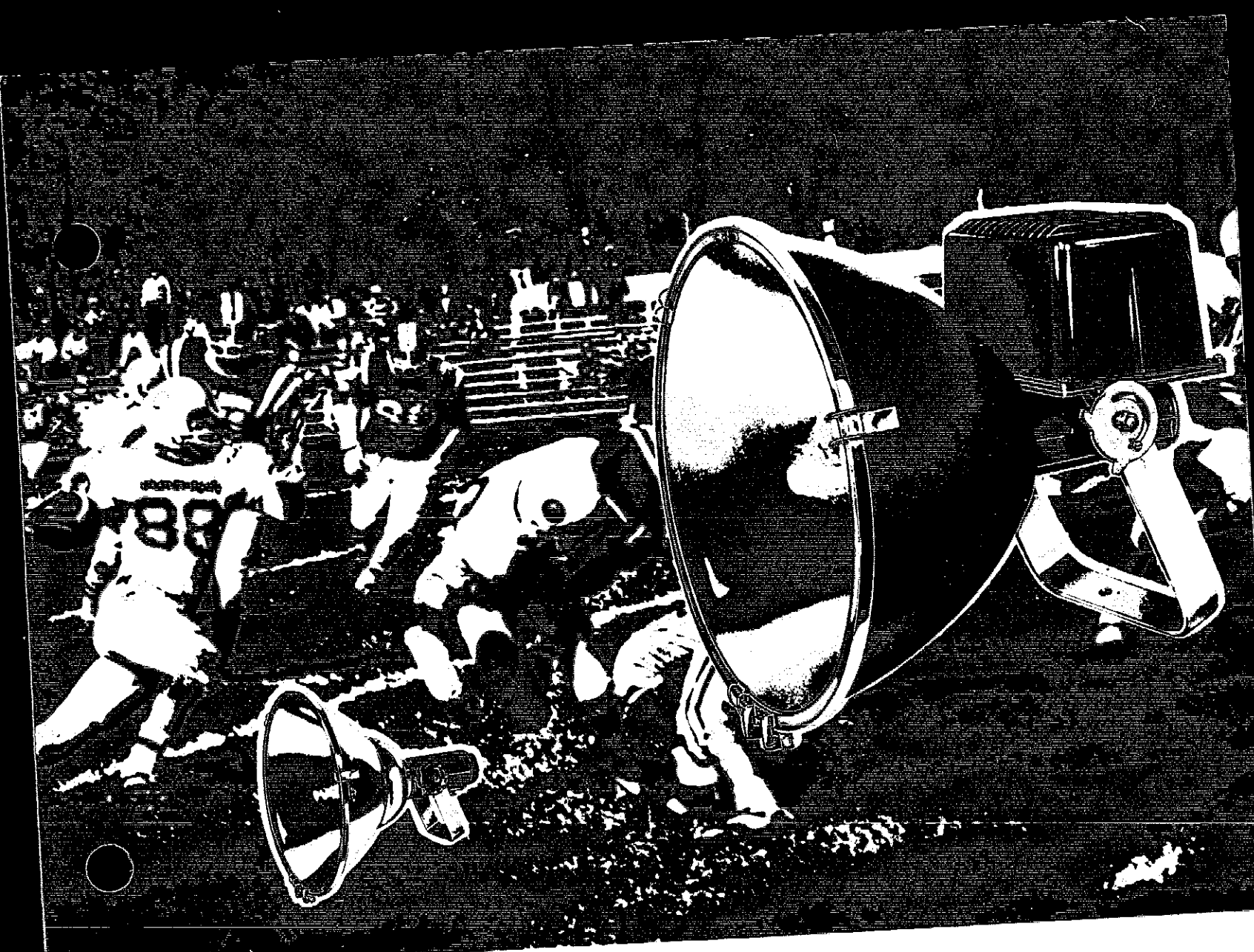
PETITIONER'S EXHIBIT 3

PETITION

We, the undersigned, are opposed to Special Exception - Case Number 89-190-X which would allow the construction and maintenance of a golf course on Raphael Road as long as the plans for the said recreational facility include a lighted driving range.

NAME:	ADDRESS:
1. <i>[Signature]</i>	11022 Raphael Rd. 21156
2. <i>[Signature]</i>	11022 Raphael Rd. 21156
3. <i>[Signature]</i>	7613 Mt. Vista Rd. 21087
4. <i>[Signature]</i>	7613 Mt. Vista Rd. 21087
5. <i>[Signature]</i>	7613 Mt. Vista Rd. 21087
6. <i>[Signature]</i>	11016 RANNEY RD, UPPER FALLS
7. <i>[Signature]</i>	11010 Raphael Rd. Upper Falls 21156
8. <i>[Signature]</i>	11022 Raphael Rd. Baltimore MD 21087
9. <i>[Signature]</i>	11000 Raphael Rd.
10. <i>[Signature]</i>	10936 RANNEY RD 21156
11. <i>[Signature]</i>	7615 Mt. Vista Rd. 21087
12. <i>[Signature]</i>	7767-7615 Mt. Vista Rd. 21087
13. <i>[Signature]</i>	7612 Mt. Vista Rd. 21087
14. <i>[Signature]</i>	7612 Mt. Vista Rd. 21087
15. <i>[Signature]</i>	11116 Raphael Rd. Upper Falls 21156
16. <i>[Signature]</i>	11116 RAPHAEL RD UPPER FALLS 21156
17. <i>[Signature]</i>	11124 Raphael Rd. Upper Falls 21156
18. <i>[Signature]</i>	11124 Raphael Rd. Upper Falls 21156
19. _____	
20. _____	
21. _____	
22. _____	

PROTESTER'S EXHIBIT



Suitable for Wet Location

STAR BEAM

400 AND 1000 WATT HIGH PRESSURE SODIUM
400 TO 1500 WATT METAL HALIDE
400 AND 1000 WATT MERCURY VAPOR

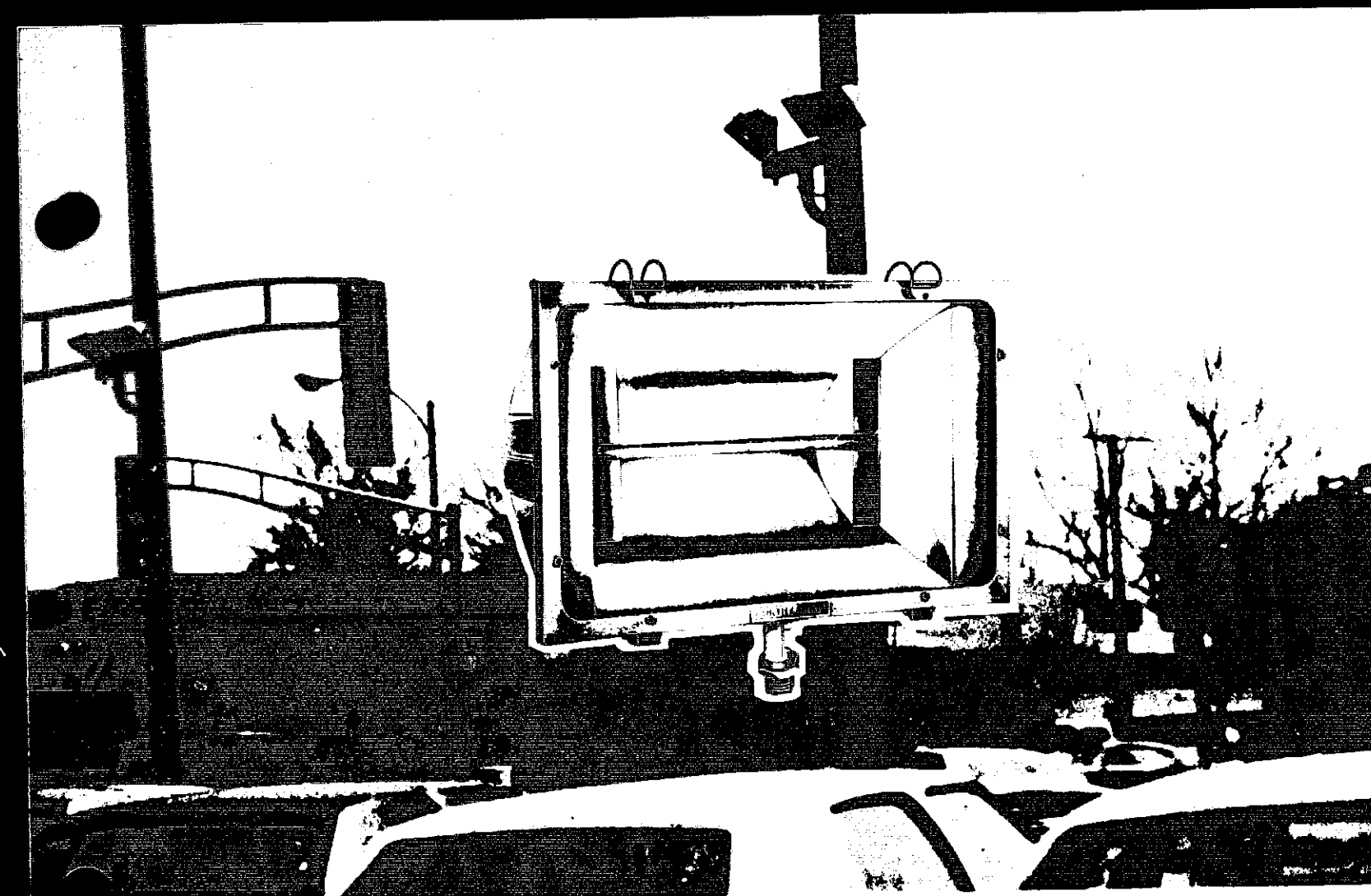
FLOODLIGHTS

Star Beam is designed, engineered, and styled to meet the most rigid specifications for outdoor floodlight applications. Extremely durable and weatherproof high strength spun aluminum outer housing and silicone gasketed lens. Thermally isolated ballast and socket housing, and wiring compartment.

The reflector is heavy gauge spun aluminum. NEMA beams spread 2 thru 6. Available with or without ballast. Optional heavy duty die cast aluminum outer housing for extra strength.

NORTH STAR Lighting Inc. LIGHTING FOR COMMERCE • INDUSTRY • SPORTS
2150 WEST 16th STREET • P.O. BOX 6035 • BROADVIEW, ILLINOIS 60153 6035 • 312-681-4330 • TELEX 72-1523

SECTION 1 PAGE 1



PETITIONER'S EXHIBIT 5B

STAR QUARTZ

600 AND 1500 WATT QUARTZ
FLOODLIGHTS



Suitable for Wet Location

North Star's economical, lightweight Star Quartz floodlights, designed and engineered for brilliant illumination of buildings, signs, parking lots, and security areas. Available with 3 accurate beam spreads.

Constructed for low maintenance and long life the Star Quartz Series features a die cast finned aluminum housing, thermal shock and impact resistant glass lens secured in a gasketed die cast aluminum frame to insure maximum weather protection.



NORTH STAR Lighting Inc. LIGHTING FOR COMMERCE • INDUSTRY • SPORTS
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SECTION 2 PAGE 25

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
1-17-92 (410) 887-3353

NOTICE OF HEARING ON MOTION TO REVISE

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, located at 400 Washington Avenue in Towson, Maryland, as follows:

CASE NUMBER: 92-37-SPH
E/S Raphael Road, 275' N of Mt. Wilson Lane
(Mount Vista Greens)
11th Election District - 5th Councilmanic
Petitioner(s): James F. Stadler, et al
HEARING: TUESDAY, FEBRUARY 18, 1992 at 9:00 a.m.

HEARING ON MOTION TO REVISE - ONLY.
NO ADDITIONAL TESTIMONY WILL BE TAKEN.

[Signature]
Lawrence E. Schmidt
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Howard Alderman, Jr., Esq.
Mr. & Mrs. Leroy M. Sparr
Mr. Doug Behr
Ms. Dorothy E. Foss
Mr. Kevin Lindsey
People's Counsel

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOBSON PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21204
TELEPHONE 301-625-9040

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-581-3700
TELECOPIER 301-295-2801

HOWARD L. ALDERMAN, JR.

January 7, 1992

HAND DELIVERED

Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner for Baltimore County
Court House
Towson, MD 21204

Re: Hearing - Motion to Revise
Case No. 92-27-SPH

Dear Mr. Kotroco:

You have advised that before ruling on the Motion to Revise filed in the above-referenced case, a hearing will be held as requested by the Community. According to my notes of our conversation, the hearing is to be limited to the issues raised in the Motion and no new evidence or testimony will be taken.

On behalf of my client, Mr. James Stadler, I am requesting that the hearing on the Motion be scheduled as soon as possible. Please advise me of the date and time as soon as it is scheduled.

Very truly yours,

[Signature]
Howard L. Alderman, Jr.

HLA, Jr.:mvf

cc: Mr. James Stadler
Arnold Jablon, Director

RECEIVED
JAN 8 1992
ZONING OFFICE

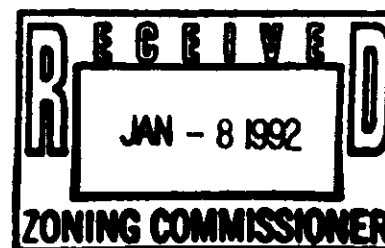
LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-321-0600
TELECOPIER 301-296-2801

ELLIS LEVIN (800-3-1960)
CARROLL COUNTY OFFICE
1117 LIBERTY ROAD
SYKESVILLE, MD 21784

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
301-539-3700
TELECOPIER 301-625-0950

HOWARD L. ALDERMAN, JR.

January 7, 1992



HAND DELIVERED

Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner for Baltimore County
Court House
Towson, MD 21204

Re: Hearing - Motion to Revise
Case No. 92-27-SPH

Dear Mr. Kotroco:

You have advised that before ruling on the Motion to Revise filed in the above-referenced case, a hearing will be held as requested by the Community. According to my notes of our conversation, the hearing is to be limited to the issues raised in the Motion and no new evidence or testimony will be taken.

On behalf of my client, Mr. James Stadler, I am requesting that the hearing on the Motion be scheduled as soon as possible. Please advise me of the date and time as soon as it is scheduled.

Very truly yours,

Howard L. Alderman, Jr.
Howard L. Alderman, Jr.

HLA, Jr.:mvf

cc: Mr. James Stadler
Arnold Jablon, Director

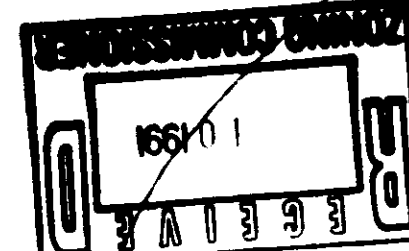
LAW OFFICES
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MERCANTILE BANK & TRUST BUILDING
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9TH FLOOR
BALTIMORE, MARYLAND 21201
301-539-3700
TELECOPIER 301-625-0950

HOWARD L. ALDERMAN, JR.

December 9, 1991



HAND DELIVERED

Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner
for Baltimore County
Court House
Towson, Maryland 21204

RE: Motion to Revise
Case No.: 92-37-SPH

Dear Mr. Kotroco:

This letter is written to confirm our telephone conversation of December 3, 1991 regarding the above-referenced case. You advised that, after discussing the matter with Commissioner Schmidt, it was determined that the Motion to Revise that I filed in this matter would stay the appeal period. According to our discussions, certain community members have requested a hearing on the Motion only and that such request will be granted.

You have also advised that the 30 day appeal period will run from the date of your decision on the Motion to Revise. Please advise me promptly if I have failed to describe accurately our conversation and the procedural aspects of the Motion filed.

Thank you for your cooperation in this matter.

Very truly yours,

Howard L. Alderman, Jr.
Howard L. Alderman, Jr.

HLAJr/lis

cc: Mr. James Stadler

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-321-0600
TELECOPIER 301-296-2801

ELLIS LEVIN (800-3-1960)
CARROLL COUNTY OFFICE
1117 LIBERTY ROAD
SYKESVILLE, MD 21784

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
301-539-3700
TELECOPIER 301-625-0950

HOWARD L. ALDERMAN, JR.

November 14, 1991

HAND-DELIVERED

Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner for
Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Motion to Revise (Denial of Lights)
Petition for Special Hearing - Stadler
Case No. 92-37-SPH

Dear Mr. Kotroco:

Enclosed please find Petitioners' Motion to Revise that portion of your November 5, 1991 Order in the above-referenced case denying the requested lighting installation. Petitioners request that you promptly review the evidence in the record and rule on this Motion.

A copy of this Motion has been sent to all parties to this action. For the record, please be advised that your Order was not received in my office until Wednesday, November 13, 1991.

Please call me if you desire any further written elaboration on this Motion.

Very truly yours,

Howard L. Alderman, Jr.
Howard L. Alderman, Jr.

HLAJr/dc

Enclosure(s)

cc: w/encl. Mr. James Stadler
Mr. & Mrs. Leroy W. Sparr
Mr. Doug Behr
Ms. Dorothy E. Foos
Mr. Kevin Lindsey

The Greater Kingsville Civic Association, Inc.
P.O. Box 221, Kingsville, Maryland 21087

October 4, 1991

To the Baltimore County Zoning Commissioner:

Dear Sir:

In reference to the request by the developer of Mount Vista Greens golf course for lights which would enable nighttime use of the driving range, the Greater Kingsville Civic Association remains strongly opposed. We did not oppose the development of the course at the outset with the understanding that it was intended for daytime use only. We feel that lighting would adversely affect our community in a number of ways. By bringing nighttime commercial use to an area which is strictly residential/agricultural, lights would be most unwelcome to residents across from the driving range, bringing with them increased traffic at a time of day when residents are generally settling in for the evening. Further, (and the Office of Planning and Zoning agrees with us) nighttime lighting like that proposed would be inappropriate for the rural setting. The Baltimore County Master Plan states that recreational use of rural land is encouraged, but not at the expense of the qualities that make such areas desirable places in which to live. Also, the Master Plan makes it clear that rural areas are "not intended to be regional facilities providing specialty goods to a population outside of the rural area." There may be a number of golfers who wish that there was a lighted driving range in Kingsville, but the overwhelming impression that the Association has been receiving has been one of strong opposition to something that is so much opposed to the rural character of our community.

We urge you to deny the request for nighttime lighting at Mount Vista Greens. Thank you.

Sincerely,

Dorothy Foos
Dorothy Foos
President

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 17 Date of Posting: 9/13/91
Posted for: Arnold Jablon, Director
Petitioner: James Stadler
Location of property: 111 West Chesapeake Avenue, Towson, MD 21204
Location of Sign: 111 West Chesapeake Avenue, Towson, MD 21204
Remarks: Response to Postponement Request
Posted by: Signature Date of return: 9/13/91
Number of Signs: 1

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887 4354

September 13, 1991

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 92-37-SPH
PROPERTY OWNER(S): James Stadler, et al
LOCATION: Raphael Road/Mt. Wilson Ld (Mt Vista Greens)

THE ABOVE MATTER HAS BEEN REASSIGNED. HEARING WILL NOW TAKE PLACE AS FOLLOWS:

FRIDAY, OCTOBER 04, 1991 at 9:00 a.m.

IN THE BALTIMORE COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE, ROOM 106, TOWSON, MARYLAND 21204.

J. Robert Hines
ZONING COMMISSIONER
BALTIMORE COUNTY

cc: James and Paul Stadler
Howard L. Alderman, Esq.
Kevin M. Lindsey

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-321-0600
TELECOPIER 301-296-2801

ELLIS LEVIN (800-3-1960)
CARROLL COUNTY OFFICE
1117 LIBERTY ROAD
SYKESVILLE, MD 21784

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
301-539-3700
TELECOPIER 301-625-0950

HOWARD L. ALDERMAN, JR.

September 5, 1991

HAND-DELIVERED

Arnold Jablon, Director
Office of Zoning Administration
& Development Management
111 West Chesapeake Avenue
Towson, MD 21204

RE: Response to Postponement Request
Mt. Vista Greens Golf Course
Case No. 92-37-SPH

Dear Mr. Jablon:

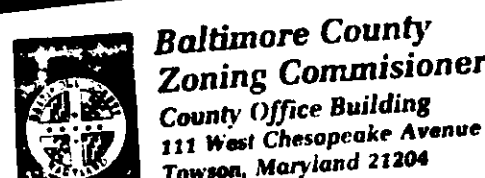
This letter is written in response to your tentative verbal indications that you intend to grant a postponement of the hearing scheduled in the above-referenced case. My clients oppose any postponement, including the maximum three week time frame you have indicated.

I have reviewed Mr. Lindsey's letter of August 30, 1991. That letter would suggest that Mr. Lindsey was not aware of the scheduled hearing before August 29, 1991--the date that the property was posted.

In fact, I personally called Mr. Lindsey, my neighbor, on August 9, 1991 to advise him of the hearing. Moreover, I sent a copy of the hearing notice to Mr. and Mrs. Lindsey on that same day; a copy of my letter to Elizabeth Healy, President (carbon copy with enclosure to the Lindsey's) is enclosed for your reference.

The only parties to this case are the County and the Petitioner. To grant a request for postponement of a non-party is unfair and unwarranted.

If you grant the postponement, my clients will not be responsible for any costs of posting or advertising other than the \$109.03 identified in the Zoning Commissioner's letter of August 27, 1991.



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001-6150
Number

Date

199200047

CHIEF CLERK'S FEES
OFFICIAL HEARINGS (OTHER)
NAME OF OWNER: STADLER

QTY PRICE
1 X \$175.00
TOTAL: \$175.00

Please Make Check Payable to Baltimore County \$175.00
BA 002-53PM07-31-91

Fabric Validation

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-321-0600
TELEPHONE 301-296-2801

HOWARD L. ALDERMAN, JR.

August 9, 1991

Elizabeth Healey, President
The Greater Kingsville Civic Association
PO Box 221
Kingsville, MD 21087

RE: Mt. Vista Greens
Zoning Hearing

Dear Liz:

As you know, I represent the owners of the Mt. Vista Greens Golf Course and Driving Range. The driving range has been open for several weeks now and is doing quite well. The plans and permits for the first phase of golf course construction, that being the first nine holes, are being reviewed by Baltimore County, and hopefully, will be issued shortly.

One of the continued comments that my clients have received regarding the driving range is the fact that customers are unable to hit balls after the sun goes down. Due to the overwhelming number of requests for driving golf balls beyond dusk, my clients have filed a petition for zoning hearing to permit lights on the driving range. I have enclosed a copy of the Notice of Hearing for your convenience.

In order to ensure that the community is adequately informed, I would request that we be able to make a short presentation to the regularly scheduled Community Association meeting on September 18, 1991. If this request is acceptable, please call me so that we can discuss the approximate time that we should appear.

Please feel free to call me if you have any question.

Very truly yours,

Howard L. Alderman, Jr.

HLA/dgh
Enclosure
cc w/encl: Mr. & Mrs. Kevin Lindsey
Mr. James Stadler

ELLIS LEVIN (1983)
CARRROLL COUNTY CLERK
1137 LIBERTY ROAD
SYKEVILLE, MD 21781

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: September 13, 1991
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Stadler Property, Item No. 47

In reference to the Petitioner's request, staff offers the following comments:

This project received C.R.G. approval on October 25, 1990.

According to the Baltimore County Master Plan, standards are needed for lighting to preserve the rural character of this area. Members of the community have been opposed to a lighted driving range, as stated in the attached letter of the applicant's attorney. Mr. Howard Alderman, Jr.

Until such time as the Rural Protection Development Standards are developed, it would be premature to permit the lighting of the driving range at this site, especially in light of the community opposition.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

ITEMNO47/TXTROZ

Rec 9/16/91

To: Mr. Timothy Rotrock
Mr. Arnold Jablon
Zoning Commission of Baltimore County

Dear Sirs:

On Thursday, August 29, a sign was posted at Mt. Vista Greens announcing a zoning hearing regarding the installation of lights for an illuminated driving range for golf. The case number is 92-37-SPH. The hearing date has been scheduled for September 20, 1991.

The purpose of this letter is to request a postponement of this hearing so that the residents of Raphael and Mt. Vista Roads, who successfully defeated this same request two years ago, may have the opportunity to meet, organize, and plan our opposition to this proposal. Even the tentative plans of hiring a lawyer to represent our point of views at the hearing would require time to secure the services of someone and familiarizing that person with our points of view. This will certainly take more than the three weeks we have until the hearing date. This request seems only fair since the owners of the driving range and their lawyer, Mr. Howard Alderman, have had more time to organize for their presentation.

Sincerely,

Kevin M. Lindsey
11022 Raphael Rd.
Upper Falls, MD 21156

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

DATE: 8/27/91

James and Paul Stadler
11118 Bayridge Road
Beadsboro, MD 21021

RE:
Case Number: 92-37-SPH
E/S Raphael Road, 275' N of Mt. Wilson Lane
11th Election District - 5th Councilmanic
Petitioner(s): James Stadler, et al
HEARING: FRIDAY, SEPTEMBER 20, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$109.03 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Howard L. Alderman, Esq.

111 West Chesapeake Avenue
Towson, MD 21204

AUGUST 6, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 92-37-SPH
E/S Raphael Road, 275' N of Mt. Wilson Lane
11th Election District - 5th Councilmanic
Petitioner(s): James Stadler, et al
HEARING: FRIDAY, SEPTEMBER 20, 1991 at 2:00 p.m.

Special Hearing to approve an amendment to the restrictions on the relief granted in Case Nos. 89-190-X and 91-209-SPH to permit a lighted driving range; operating hours of 6:00 a.m. to 10:00 p.m. and to require that the entrance be secured by 10:30 p.m.; to permit operation of the golf course and/or driving range from March 1 through December 31 of each year; and a finding that, as to Case No. 91-209-SPH, restriction No. 5 applies only to the relief granted in restriction No. 4.

J. Robert Haines
Zoning Commissioner of
Baltimore County

cc: Howard L. Alderman, Jr., Esq.
James Stadler, et al

SPELLMAN LARS
& ASSOCIATES, INC.
Suite 107 Jefferson Building
105 West Chesapeake Avenue
TOWSON, MARYLAND 21204
Phone 301-823-3535

TO: Mr John Sullivan
Office of Zoning
Baltimore County
County Office Bldg
Towson MD 21204

LETTER OF TRANSMITTAL

DATE	7/29/91	JOB NO	88007
ATTENTION			
RE	MT VISTA GREENS		
92-37-SPH			

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via the following items:
☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☒ Zoning Petition Package

COPIES	DATE	NO	DESCRIPTION
3 orig.	---	---	Zoning Petition
3	7/25/91	---	Legal Description
12	7/25/91	---	Plat to Accompany Zoning Petition (2 Sheets)
1	7/26/91	---	Copy of 200 Scale Zoning Map

THESE ARE TRANSMITTED as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☒ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review and comment ☒ Formal filing for hearing date
☐ FOR BIDS DUE _____ 19 _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS

COPY TO: James Stadler
TOWSON ATCEPSTH

SIGNED: Joseph L. Larson

If enclosures are not as noted, kindly notify us by phone

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 116 Date of Posting: 8/21/91
Posted for: Special Hearing
Petitioner: E/S Raphael Rd. 275' N of Mt. Wilson Lane
Location of property: E/S Raphael Rd. 275' N of Mt. Wilson Lane
Location of Sign: E/S Raphael Rd. 275' N of Mt. Wilson Lane
Remarks: Petition to amend zoning restrictions on the relief granted in Case No. 91-209-SPH
Posted by: M. Lindsey
Number of Signs: 1
Date of return: 8/24/91

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8-15-91
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8-15-91.

THE JEFFERSONIAN.

S. Zeke Olson
Publisher

\$ 84.03

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8-15-91.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zeke Olson
Publisher

\$ 84.03

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date

92-37

Account: K 001-6150
Number

receipt

Cashier Validation

Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21201

887-3353

September 3, 1991

Howard L. Alderman, Esquire
Levin & Gann, P.A.
Suite 113, 305 W. Chesapeake Avenue
Towson, MD 21204

RE: Item No. 47, Case No. 92-37-SPH
Petitioner: James & Paul Stadler
Petition for Special Hearing

Dear Mr. Alderman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: James & Paul Stadler
11118 Reynolds Road
Bradshaw, MD 21021

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21201

887-3353

Your petition has been received and accepted for filing this
16th day of July, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: James & Paul Stadler

Petitioner's Attorney: Howard L. Alderman

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: August 16, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Stephen E. Weber

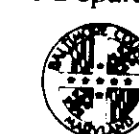
Z.A.C. MEETING DATE: August 13, 1991

This office has no comments for items number 29, 38, 47, 48, 50 and 51.

Stephen E. Weber
Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/lvd

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(410) 887-4500

AUGUST 9, 1991

Arnold Jablon
Director
Office of Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: JAMES STADLER

Location: 1/3 RAFAEL ROAD

Item No.: 47 Petition Received: AUGUST 12, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and intended to be corrected or incorporated into the final plans for the property.

1. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1990 Edition prior to occupancy.

RECEIVED: *Aug 22 1991* Titled and
Approved
Special Inspection Division Fire Prevention Bureau

GE/EFK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 20, 1991
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for August 13, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 29, 38, 50 and 51.

For Item 48, a County Review Group Meeting is required.

For Items 46 and 47, the previous County Review Group Comments are still applicable.

Robert W. Bowling/DAK
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:ec

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 13, 1991
Zoning Administration and
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Stadler Property, Item No. 47 *92-37-SPH*

In reference to the Petitioner's request, staff offers the following comments:

This project received C.R.G. approval on October 25, 1990.

According to the Baltimore County Master Plan, standards are needed for lighting to preserve the rural character of this area. Members of the community have been opposed to a lighted driving range, as stated in the attached letter of the applicant's attorney, Mr. Howard Alderman, Jr.

Until such time as the Rural Protection Development Standards are developed, it would be premature to permit the lighting of the driving range at this site, especially in light of the community opposition.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

ITEMNO47/TXTROZ



*Petitioner's
Exhibit 4*

Case 92-37-SPH



PETITIONER'S EXHIBIT 1

IN RE: PETITION FOR SPECIAL HEARING BEFORE THE

Mount Vista Greens
11th Election District
5th Councilmanic District

* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-37-SPH

James F. Stadler, et al
Petitioners

MOTION TO REVISE

James F. Stadler and Paul Stadler ("Petitioners") by Howard L. Alderman, Jr., and Levin & Gann, P.A., their attorneys, hereby move that the Order of the Deputy Zoning Commissioner for Baltimore County denying the requested lights for a driving range be revised to permit the lighting scheme as described at the hearing on this matter. The grounds for the Motion are as follows:

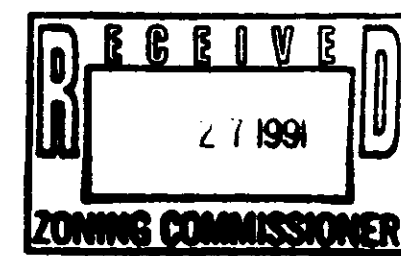
1. The Deputy Zoning Commissioner for Baltimore County ("Commissioner") correctly found that the Petitioners' lighting expert testified that the proposed lights for the driving range satisfy the requirements of Baltimore County Zoning Regulations (BCZR) Section 502.1; the Commissioner accepted that this standard had been met.

2. The Commissioner also correctly found that Petitioners' lighting expert provided additional testimony as follows:

More importantly, he [lighting expert] testified that these lighting installations would be arranged so as not to increase traffic hazards or cause direct or glaring reflection into adjoining residential uses, thereby satisfying the requirements of Section 406.1 of the B.C.Z.R. (Commissioner's Order at 3) (Emphasis added)

3. The record is clear that the neighbors living across the street testifying in opposition, acknowledged that there would be

THE GREATER KINGSVILLE CIVIC ASSOCIATION
P.O. Box 221
Kingsville, Maryland 21087



Dear Mr. Kotroco:

I am writing on behalf of the Greater Kingsville Civic Association in regard to case number 92-37-SPH, the issue of the lighting of the driving range at Mt. Vista Greens.

Our association has received a copy of Mr. Alderman's request for a revised decision; that is, allowing lighting as proposed, based on his interpretation of an arbitrary and capricious decision on your part. We, however, applaud your decision and vehemently oppose any revision of the decision. We do not believe that your decision was arbitrary or capricious. Mr. Alderman states that all of the requirements set forth in sections 406.1 and 502.1 of the BCZR are met by the developer's proposal. We agree with your decision that they have not been met. All parties have agreed that the concept of "reflective glare" is difficult to define. It is only Mr. Alderman's opinion that this lighting would not create reflective glare. In the Association's and your opinion, it might. This is clearly an interpretive decision-a judgement call. However, the fact that the sky does indeed reflect light is beyond question.

As to the concern that this property is not in any way unique and therefore the special exception should be granted, we strongly emphasize that this is a very exposed piece of property, being immediately adjacent to Raphael Road and, clearly, visible from Philadelphia Road. It is a tree-less section of road that is essentially agricultural/residential. It is presently a dark country road, the kind which attracts people to rural areas. There was a great deal of discussion regarding the negative visual impact of a BG&F facility nearby. This is not lit at night as far as I can tell or certainly is not in any way a detriment to the night sky.

Also it was pointed out in both your decision and in the request for revision that the Office of Planning and Zoning is opposed to the lighting. The motion for revision states, however, that standards for such lighting considerations have not been set and therefore OPZ's opinion should essentially be disregarded. The motion also stated that "there is no evidence that such standards will ever be developed". In response to this I wish to point out that a county-wide RC zone design committee, under the guidance of OPZ, is presently meeting to give input to the county regarding various development

Mr. Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County, MD.

Dear Tim,

I received your "Findings of Facts and Conclusions of Law" regarding the Petition for Mt. Vista Greens petitioned by Mr. Howard Alderman for Mr. James F. Stadler on or about the 12th of November 1991.

I also received a "Motion to Revise" from Mr. Alderman on behalf of Mr. Stadler on or about the 20th of November 1991.

Because of business and personal commitments, I could not fully study these documents until the Christmas holidays; I would like to make the following comments.

Regarding your "Findings of Facts and Conclusions of Law", the following information was omitted from minutes of the hearing:

(1) I submitted on behalf of my parents, H. Leroy & Mary Helen Sparr, a signed and notarized statement of their objection to permanent lights at Mt. Vista Greens. This information was omitted from the minutes of the hearing and I believe this is a significant omission.

(2) I challenged the qualifications of the lighting consultant provided by the petitioners. He was unable to answer simple questions regarding glare from water vapor in the atmosphere.

I am not a lighting engineer; however, as an experienced engineer, it is my expert opinion that a real lighting expert should have been able to tell us exactly what the effects would be around the golf course; a real expert should have been able to thoroughly address all of my questions and concerns.

The expert for the petitioners testified primarily to the compliance with existing zoning laws which (using Bel Air, Perry Hall, or Edgewood as examples) are in my opinion totally inadequate. The so-called expert lighting consultant for the petitioner should have demonstrated that there will be no significant impact to the neighborhood. The expert lighting consultant did not accomplish this.

Petitioner Ex 3

December 2, 1991

Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner for Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition to Uphold Denial of Lights
Case No. 92-37-SPH

Dear Mr. Kotroco:

A copy of the Petitioner's Motion to Revise your November 5, 1991 Order in the above-referenced case denying the requested lighting installation was sent and received in mid-November. Unfortunately, due to a prolonged illness of my immediate family, a response was not possible until this time. It is my fervent wish that you deny the Motion to Revise by Mr. Stadler and maintain your view that "the Petitioners have failed to establish that no glaring reflection would be directed into adjoining premises." The text of this letter will, therefore, address the issues and concerns as to why the Petition for Special Hearing should be upheld. The grounds for my request are as follows:

1. Great pains were taken to establish the word or term "reflection". As stated, to produce a reflection, light must, therefore, strike a reflective surface such that the light beams can be "bent back" or reflected. Further arguments propose that since there is no surface, object or image located between the light source and the dense woods, there is nothing capable of reflecting or bending the light back 180 toward the residences. Let me make further reference to Webster's Third New International Dictionary of the English Language, Unabridged. Webster defines "atmosphere" as:

the gaseous fluid surrounding the earth; the air

The New Columbia Encyclopedia (1975) further defines atmosphere as: the mixture of gasses surrounding a celestial body.

The earth's lower atmosphere contains varying amounts of water vapor. Condensation and sublimation within the atmosphere cause clouds or fog, and the resulting liquid water droplets or ice crystals may precipitate to the ground as rain, sleet, snow, hail, dew, or frost.



ZONING OFFICE

PROTESTANT(S) SIGN-IN SHEET

NAME ADDRESS

Kevin Lindsey	11022 Raphael Rd
Dmy Belu	7451 Bred Street Rd
Harold G. Voss	6463 Lewis Rd

BALTIMORE COUNTY MD. COUNTY REVIEW GROUP

This Plan Was Reviewed By The CRG On
11-6-85 With The Following Action Taken

PLAN APPROVED

Plan Approved DPW *Robert E. Gentry*
Plan Approved OPZ *Samuel Kersney*
Approval Expiration Date 11-6-88
Plan Disapproved _____
Continued Mtg. Required _____
Plan Referred To Plan, Bd. _____

Jarratville United
0420/585

N44000

EGG,500

IN RE: PETITION FOR SPECIAL HEARING BEFORE THE
E/S Raphael Road, 275' N of
Mt. Vista Road
11th Election District
5th Councilmanic District
James F. Stadler, et al
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception for a golf course in an R.C. 5 zone, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by James F. Stadler, appeared, testified and were represented by Howard L. Alderman, Jr., Esquire. Also appearing on behalf of the Petition were Joseph Larson with Spellman, Larson & Associates, Inc., and John C. Rohde, with Human & Rohde, Inc. Appearing as Protestants were Ken Holt, President of the Greater Kingsville Civic Association; Kevin Lindsey, and Charlotte Pine.

Testimony indicated that the subject property, zoned R.C.5, is located off of Raphael Road and Mt. Vista Road and consists of 102 acres. Testimony indicated that Petitioners recently purchased the property with the intention of developing it as a golf course. Prior to the hearing, Petitioners met with the members of the community on two occasions to attempt to incorporate their concerns. As a result, Petitioners revised the Petition to increase the landscaping, move the parking lot back from Raphael Road approximately 100 feet further, and to distance the driving range from Raphael Road. Said changes have been incorporated into a revised site plan which has been identified as Petitioner's Exhibit 1.

IN RE: PETITION FOR SPECIAL HEARING BEFORE THE
E/S Raphael Road, 275' N of
Mt. Wilson Road
(Mount Vista Greens)
11th Election District
5th Councilmanic District
James Stadler, et al
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve an amendment to the previously approved site plan in Case No. 89-190-X to comply with an approved CRG Plan, and to approve an extension of the time period for utilization of the special exception granted therein from two to four years, or in the alternative, to find that the improvements made to the site constitute utilization of said special exception within the period allowed by law, in accordance with Petitioner's Exhibit 1.

The Petitioners, by James Stadler, appeared, testified and were represented by Howard L. Alderman, Jr., Esquire. Also appearing on behalf of the Petition were Kim Stadler, Mary Frances Shepperd, Bill Button, residents of the area and members of the Kingsville Community Association, and Joseph Larson, Engineer. Appearing as an interested party was Mary Emerick, Aide to Councilman Vincent J. Gardina. There were no Protestants.

Testimony indicated that the subject property consists of 102 acres zoned R.C. 5 and is located off of Raphael Road at Mt. Vista Road. Said property was the subject matter of previous Case No. 89-190-X in which a special exception for a golf course was granted in accordance with the site plan submitted therein on December 16, 1988. The special exception was granted subject to restrictions including, but not limited to, CRG approval without a waiver. Petitioners subsequently filed and re-

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS

Jim Fickler, Sr.	Eric Villanueva Rd.
Kim Stadler	Kingsville, MD 21087-1511
Kim Stadler	1118 Reynolds R
James Stadler	Bridgman RD 21021
Howard L. Alderman, Jr.	305 W. Chesapeake Ave
Thom Voss	Suite 113 Towson MD 21204
	6 Morning Ct. Pkto MD 21232

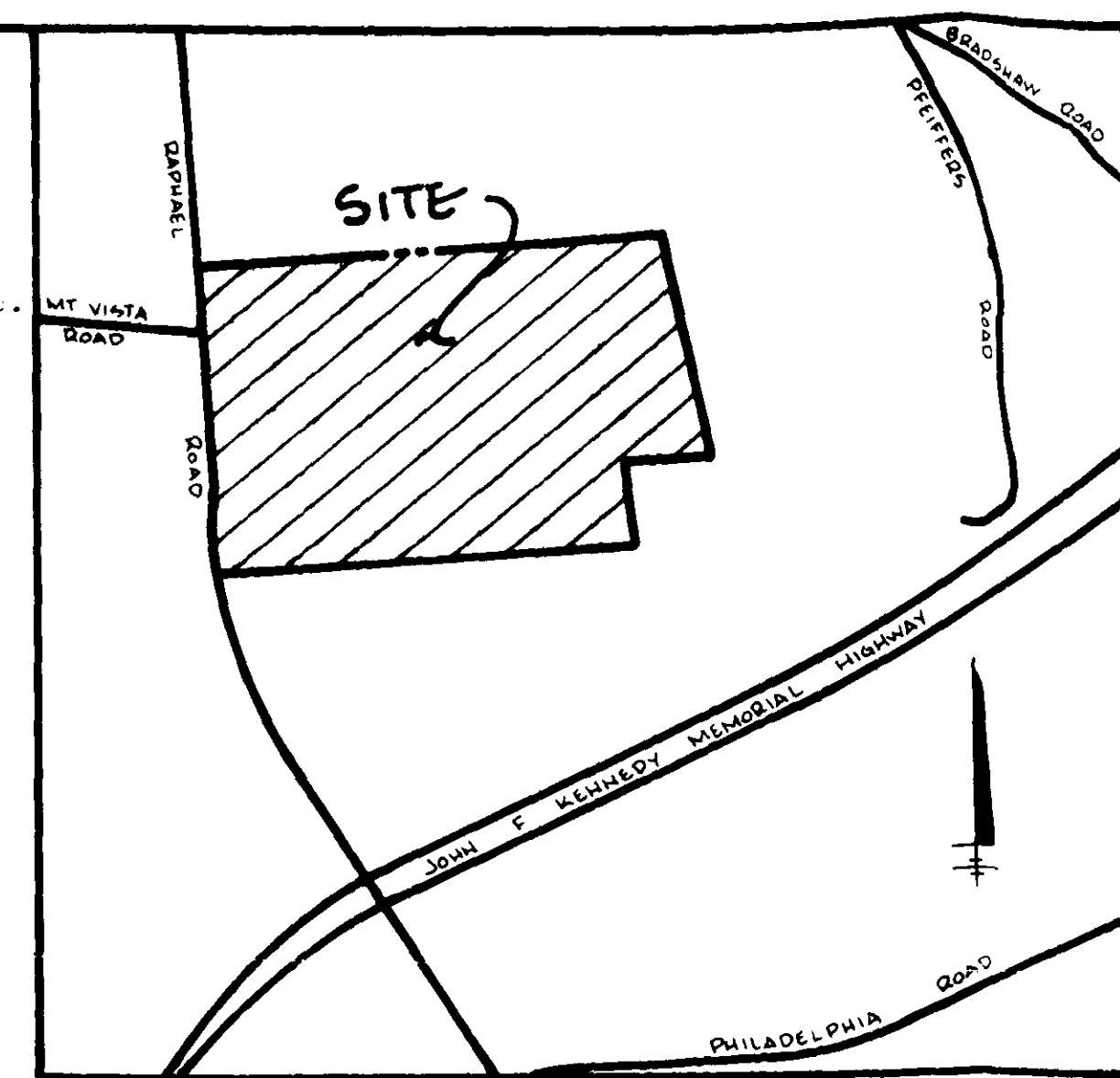
SOIL LIMITATION CHART				
SYM.	SERIES	W/O BASEMENT	STREETS & PARKING	TYPE
AV	Alluvial land	Severe high water table, Flooding Hazard	Severe high water table, Flooding Hazard	D
BtA	Beltville	Moderate, seasonally perched water table	Moderate, seasonally perched water table	C
BtB	Beltville	Moderate, seasonally perched water table	Moderate, seasonally perched water table	C
CKB2	Chillum	Slight	Severe Slope	C
CKC2	Chillum	Moderate Slope	Severe Slope	C
DCB	Delanco	Moderate, moderately high water table	Moderate, moderately high water table	C
ESB	Elsinboro	Slight	Moderate Slope	B
LED2	Legore	Severe Slope	Severe Slope	C
LMB	Lenoir	Severe high water table, poor natural drainage	Severe high water table, poor natural drainage	D
MON2	Montalto	Slight	Moderate Slope	B
SIB	Sassafras	Slight	Moderate Slope	B
SIC2	Sassafras	Slight	Severe Slope	B
WAA	Watchung	Severe high water table, poor natural drainage	Severe high water table, poor natural drainage	D
WAB	Watchung	Severe high water table, poor natural drainage	Severe high water table, poor natural drainage	D

GRADING NOTE:

There will be no overall site grading for this project. The only grading proposed will be for the clubhouse and parking area as shown hereon and for the shaping and construction of the green.

FOREST BUFFER NOTES

1. THERE SHALL BE NO LEAVING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT EXCEPT AS PERMITTED BY BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
2. PROTECTIVE COVENANTS GOVERNING THE USE OF THE FOREST BUFFER EASEMENT, SHALL BE RECORDED IN THE DEED TO THIS PROPERTY, PRIOR TO GRADING PERMIT APPROVAL AND SHALL RUN WITH THE PROPERTY IN PERPETUITY.



VICINITY MAP
SCALE: 1" = 1,000'

SITE DATA:

SITE ACRES: 11000 AC ±
EXISTING ZONING: RC-5
WATERSHED: 3 SUBSEWER: SD-1 B1
COUNCILMANIC DISTRICT: 5
CENSUS TRACT: 41102
PROPOSED USE: EXECUTIVE TYPE GOLF COURSE (SEE ZONING NOTE)
DEED REFERENCE: 78121186
PROPERTY NUMBER: 19-00-003441
AVERAGE DAILY TRIPS: 0.70/A 0.10 x 111.07 = 77.75 ADTS
OPEN SPACE REQUIRED: NONE REQUIRED

PARKING REQUIREMENTS: GOLF COURSE = PARKING REQ = 0.5 SPACES/HOLE
18 HOLES x 0.5 SPACES = 9 SPACES
DRIVING RANGE = 1.5 SPACES/TEE
27 TEES x 1.5 = 41 SPACES
TOTAL SPACES REQUIRED = 50 SPACES
TOTAL SPACES PROVIDED = 50 SPACES

PARKING LOT NOTE:

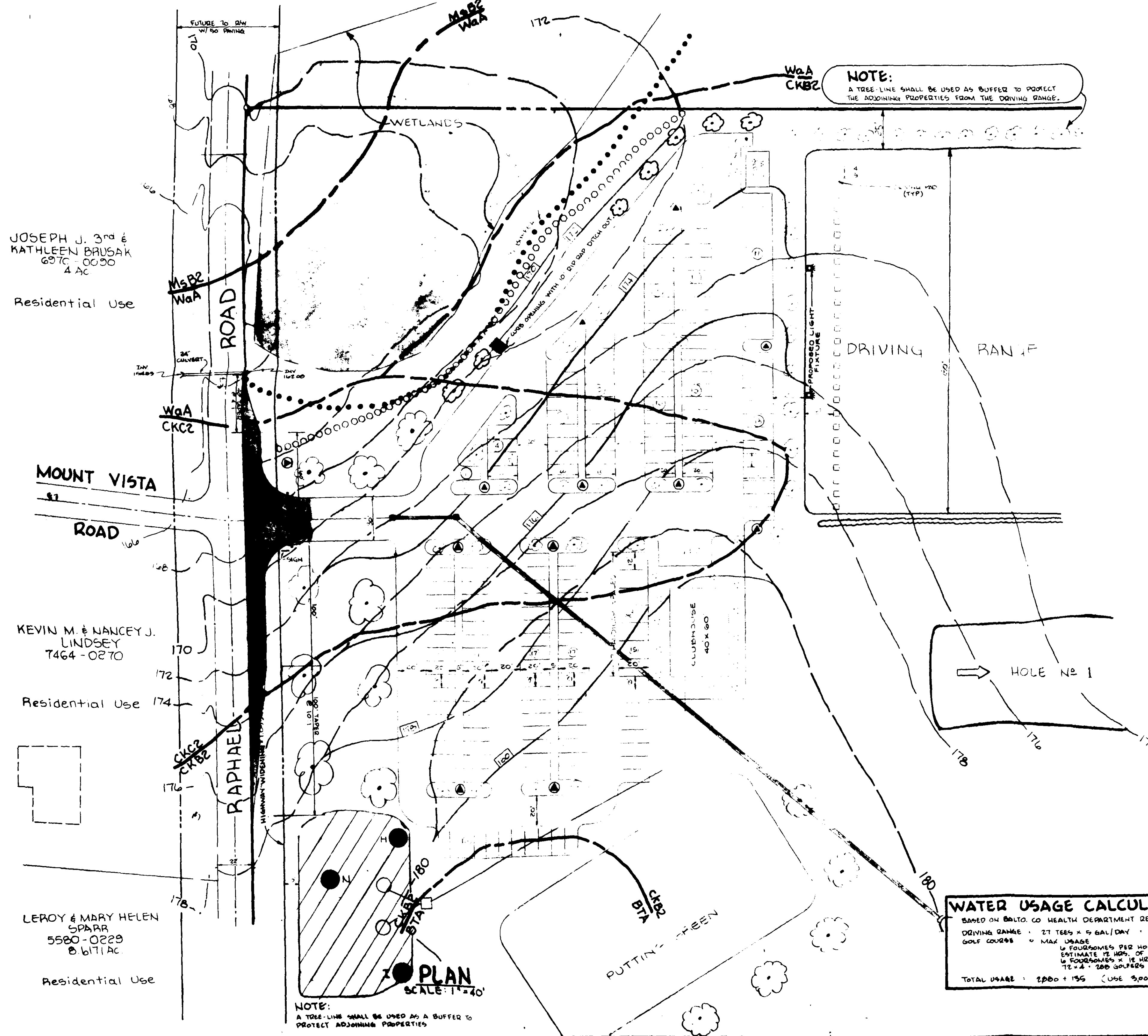
ALL PARKING AREAS AND AISLES WILL BE PAVED WITH MACADAM AND PERMANENTLY STRIPED.

GENERAL NOTES:

1. THERE ARE NO UTILITIES LOCATED WITHIN THE PROPOSED PROJECT AREA.
2. OFF-STREET PARKING AND LOADING AREAS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 409, BUT NO PARKING IS PERMITTED WITHIN 25' OF ANY RESIDENTIAL ZONE BOUNDARY. PARKING AREAS SHALL BE PAVED AND ANY LIGHTING THEREOF SHALL BE REFLECTED AWAY FROM RESIDENTIAL ZONES, AND IF ON STANDARDS, LIGHTS SHALL NOT EXCEED THE HEIGHT OF 12 FEET.
3. LANDSCAPE CALCULATIONS: COMMERCIAL SITE
EXTERIOR ROAD = 1 TREE PER EVERY 40 LINEAR FEET
2000' x 40' = 50 TREES
50% MAJOR DECIDUOUS = 25 TREES
30% EVERGREEN = 15 TREES
MINOR DECIDUOUS = 10 TREES
INTERIOR ROAD = 1 TREE PER EVERY 20 LINEAR FEET
1040' x 20' = 52 TREES
50% MAJOR DECIDUOUS = 26 TREES
30% EVERGREEN = 16 TREES
MINOR DECIDUOUS = 10 TREES

NOTE: HIGHWAY WIDENING AREA = 41,280 SF OR 1,920 AC ±

NOTE: ESTIMATED MAINTENANCE MAINTENANCE REQUIRED FOR 2000 SQUARE YARD, 1990



WATER USAGE CALCULATIONS

BASED ON BALTO. CO. HEALTH DEPARTMENT REQUIREMENTS
DRIVING RANGE: 27 TEES x 5 GAL/DAY = 135 GPD
GOLF COURSE: MAX. USAGE
16 FOURHOMES PER HOUR (10 MIN PER FOURHOMES)
ESTIMATE 12 HRS. OF OPERATION PER DAY
16 FOURHOMES x 12 HRS. x 10 MIN x 100 GALLONS
TEES x 100 GALLONS = 192,000 GPD
TOTAL USAGE: 192,000 + 135 = 192,135 GPD

400' SIGHT LINE NOTE

AREAS BETWEEN THE SIGHT LINE AND THE CURB LINE MUST BE CLEARED, GRADED AND KEPT FREE OF ANY OBSTRUCTIONS. SEE SHEET 1 OF 9 FOR PLAN VIEW.

PUBLIC SERVICES CRG. NO. 90111
PLANNING NO. XI-624

REVISIONS		
NO.	DATE	DESCRIPTION

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 107, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE: 823-3535

OWNER/DEVELOPER
JAMES STADLER
1118 REYNOLDS ROAD
BRADSHAW, MARYLAND 21201
592-9200

PLAT TO ACCOMPANY ZONING
PETITION FOR SPECIAL HEARING
'MOUNT VISTA GREENS'

Election District 11 Baltimore County, MD.
SCALE: 1" = 40' DES. BY: J.L.L.
DATE: 7-26-91 DRN. BY: M.S. JMB. SHT. 2 OF 2